

DISCUSSION OF THE AMENDMENT

Claims 1 and 2 have each been amended by incorporating the subject matter of Claims 3 and 5 therein; Claims 3 and 5 have been canceled.

No new matter is believed to have been added by the above amendment. Claims 1, 2, 4 and 6-8 are now pending in the application.

REMARKS

The rejection of Claims 1, 4 and 6-8 under 35 U.S.C. § 102(b) as anticipated by US 5,049,613 (Shimizu et al), is respectfully traversed. The above-amended claims contain the limitations of Claims 3 and 5 not subject to this rejection. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 1, 2, and 4-7 under 35 U.S.C. § 102(b) as anticipated by US 5,218,048 (Abe et al), is respectfully traversed. The above-amended claims contain the limitations of Claim 3, not subject to this rejection. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 1 and 5-8 under 35 U.S.C. § 102(b) as anticipated by US 6,013,217 (Hauenstein et al), is respectfully traversed. The above-amended claims contain the limitations of Claim 3, not subject to this rejection. Accordingly, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 1-8 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, Abe et al, is respectfully traversed.

As recited in above-amended Claim 1, an embodiment of the present invention is a thermoplastic resin composition comprising a thermoplastic resin (1) in an amount of 0.1 to 99.9% by mass and a higher α -olefin polymer (3) containing 50 mol% or more of an α -olefin having 10 or more carbon atoms in an amount of 0.1 to 99.9% by mass, wherein the higher α -olefin polymer (3) has a stereoregularity index M2 of 50 mol% or more and has one melting point (Tm) of 0 to 100°C.

As recited in above-amended Claim 2, another embodiment of the present invention is a thermoplastic resin composition comprising a thermoplastic resin (1) in an amount of 0.1 to 99.9% by mass, an elastomer (2) in an amount of exceeding 0% by mass and up to 99.8% by mass, and a higher α -olefin polymer (3) containing 50 mol% or more of an α -olefin having 10

or more carbon atoms in an amount of 0.1 to 99.9% by mass, wherein the higher α -olefin polymer (3) has a stereoregularity index M2 of 50 mol% or more and has one melting point (T_m) of 0 to 100°C.

As discussed in further detail below, Abe et al neither discloses nor suggests the present invention.

Abe et al discloses a resin composition comprising (A) a thermoplastic resin, (B) a functional compound having one or more bonds or one or more functional groups selected from the group consisting of non-aromatic carbon-carbon multiple bonds, oxirane groups and substituted carboxyl groups, and (C) a diamino compound represented by the following general formula: $R^I \text{NH-X-NHR}^{II}$ wherein R^I and R^{II} each represents a hydrogen atom or an alkyl group optionally having one or more inactive substituents, and X represents an alkylene group having 7 to 30 carbon atoms and optionally having one or more inactive substituents (column 2, line 65 to column 3, line 12). The thermoplastic resin (A) or part of thermoplastic resin (A) may be a homopolymer or copolymer of olefins such as α -olefins exemplified by ethylene, propylene, butene-1, pentene-1, hexene-1, 3-methylbutene-1, 4-methylpentene-1, octene-1, decene-1, dodecene-1, tetradecene-1, hexadecene-1, octadecene-1, eicosene-1 and the like (see column 3, lines 20-26). The thermoplastic resin (A) can comprise other thermoplastic resin in addition to the polyolefin resin, if desired, such as polyphenylene ether resin, polyarylene sulfide resin, polysulfone resin, polyketone resin, polyester resin, polystyrene resin, polycarbonate resin and the like (paragraph bridging columns 3 and 4). Abe et al further discloses that it is desirable to incorporate an elastomer of 0 to 70% by weight, preferably 1 to 50% by weight based on the thermoplastic resin (A), into the composition to enhance impact strength (column 10, line 45 to column 11, line 13).

However, Abe et al neither disclose nor suggest the presence of a higher α -olefin polymer containing 50 mol% or more of an α -olefin having 10 or more carbon atoms, and

having a stereoregularity index M2 of 50 mol% or more and one melting point (T_m) of 0 to 100°C, either as their thermoplastic resin (A) or their optional elastomer.

Nor does Abe et al recognize the beneficial properties of presently-recited higher α -olefin polymer (3) herein of being non-tacky at ordinary temperature and excellent in storage stability and secondary workability, and can be uniformly melted at a low temperature to be excellent in workability, as described in the specification at page 15, lines 21-25.

By using such a higher α -olefin polymer (3), a thermoplastic resin composition having excellent mechanical properties including high elastic modulus and impact strength without impairing excellent heat resistance and mold workability, is obtained, as described in the specification at page 72, lines 2-6.

For all the above reasons, it is respectfully requested that the rejection be withdrawn.

The rejection of Claims 1 and 3-8 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, US 5,430,080 (Iwata et al), is respectfully traversed.

Iwata et al discloses a flame-retardant thermoplastic resin composition comprising, *inter alia*, a thermoplastic resin (C), which is preferably one or more resins selected from the group consisting of a polyethylene resin, polypropylene resin, poly(1-butene) resin, poly(4-methyl-1-pentene) resin, poly(1-hexene) resin, poly(1-octene) resin and poly(1-decene) resin, a mixture of two or more of these resins, polystyrene, an acrylonitrile-butadiene-styrene copolymer (ABS resin), and an acrylonitrile-styrene copolymer (AS resin) (paragraph bridging columns 6 and 7).

However, Iwata et al, like Abe et al supra, neither disclose nor suggest the presence of a higher α -olefin polymer containing 50 mol% or more of an α -olefin having 10 or more carbon atoms, and having a stereoregularity index M2 of 50 mol% or more and one melting point (T_m) of 0 to 100°C, either as their thermoplastic resin (A) or their optional elastomer.

Nor does Iwata et al, like Abe et al *supra*, recognize the beneficial properties of presently-recited higher α -olefin polymer (3) herein of being non-tacky at ordinary temperature and excellent in storage stability and secondary workability, and can be uniformly melted at a low temperature to be excellent in workability, as described in the specification at page 15, lines 21-25.

By using such a higher α -olefin polymer (3), a thermoplastic resin composition having excellent mechanical properties including high elastic modulus and impact strength without impairing excellent heat resistance and mold workability, is obtained, as described in the specification at page 72, lines 2-6.

For all the above reasons, it is respectfully requested that the rejection be withdrawn.

The provisional rejection of Claims 1-8 on the ground of nonstatutory obviousness-type double patenting over Claims 1-9 of copending Application No. 10/577,496 US 2007/0079825), is respectfully traversed. The Examiner is respectfully requested to hold the rejection in abeyance until the present claims are found to be allowable but for this rejection or the copending application has been patented. See M.P.E.P. 822.01.

For all the above reasons, it is respectfully requested that the provisional rejection be held in abeyance, if not withdrawn.

Application No. 10/511,099
Reply to Office Action of November 26, 2007

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

Customer Number

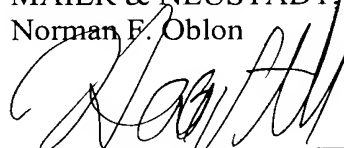
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

NFO:HAP\la

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779